

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SIDNEY WILSON,	§	
PLAINTIFF,	§	
	§	
V.	§	CASE No. 3:24-CV-2117-S-BK
	§	
VANESSA E WYCHE, DIRECTOR,	§	
NASA JOHNSON SPACE CENTER,	§	
DEFENDANT.	§	

**FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to [28 U.S.C. § 636\(b\)](#) and *Special Order 3*, this *pro se* case was referred to the United States magistrate judge for judicial screening, including the issuance of findings and a recommended disposition. For the reasons that follow, this action should be **DISMISSED WITHOUT PREJUDICE** for failure to comply with a court order.

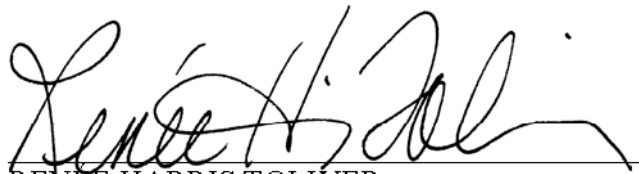
In its September 9, 2024 Order, the Court noted that “Plaintiff has not yet registered as a user of the Court’s electronic filing system, as required,” and ordered Plaintiff to do so by October 10, 2024. Doc. 9. The Court also ordered Plaintiff to provide his current address, phone number, and email address by that same date. Doc. 9. The Court further warned Plaintiff that **“FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN THE DISMISAL OF THIS ACTION PURSUANT TO [FEDERAL RULE OF CIVIL PROCEDURE 41\(b\)](#).”** Doc. 9 (emphasis in original). As of the date of this recommendation, however, Plaintiff has failed to comply with the Court’s Order. *See* [Doc. 10](#) (mail from the Court returned as undeliverable and noting that Plaintiff has provided “no address update”).

Rule 41(b) of the Federal Rules of Civil Procedure allows a court to dismiss an action *sua sponte* for failure to prosecute or for failure to comply with the federal rules or any court order. *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998). “This authority flows from the court’s inherent power to control its docket and prevent undue delays in the disposition of pending cases.” *Boudwin v. Graystone Ins. Co., Ltd.*, 756 F.2d 399, 401 (5th Cir. 1985) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626 (1962)).

Plaintiff has been given ample opportunity to comply with the Court’s Order. He has impliedly refused or declined to do so. Therefore, this action should be dismissed without prejudice for failure to comply with a court order and for lack of prosecution. See *FED. R. CIV. P. 41(b)* (stating that an involuntary dismissal “operates as an adjudication on the merits,” unless otherwise specified).

For the foregoing reasons, this action should be **DISMISSED WITHOUT PREJUDICE** for failure to comply with a court order.¹

SO RECOMMENDED on December 10, 2024.



RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE

¹ Because Plaintiff’s 21-page complaint is difficult to decipher and his allegations appear somewhat fanciful, *see* Doc. 1-8, the Court cannot determine if limitations will bar the refiling of this action. However, without the ability to communicate with Plaintiff, this case cannot proceed.

**INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT**

A copy of this report and recommendation will be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). An objection must identify the finding or recommendation to which objection is made, the basis for the objection, and the place in the magistrate judge's report and recommendation the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996), *modified by statute on other grounds*, 28 U.S.C. § 636(b)(1) (extending the time to file objections to 14 days).